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09/823,943	03/30/2001	Louis B. Rosenberg	IMMP127	7594

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Immersion Corp.  
801 Fox Lane  
San Jose, CA 95131

EXAMINER

CEGIELNIK, URSZULA M

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,943

Applicant(s)

ROSENBERG, LOUIS B.

Examiner

Urszula M. Cegielnik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 31-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

During a telephone conversation with Mr. James Riegel on 17 December 2001 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 31-36 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-30, drawn to a haptic feedback remote control device, classified in class 446, subclass 454.
  - II. Claims 31-36, drawn to a method for controlling a toy device, classified in class 463, subclass 40.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed could be used in a materially different process of using that product which does not require the method step of causing haptic sensations to be output on the remote control unit.

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3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 2, 4-7, 10, 13-15, 17, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Levin et al.

Levin et al. disclose a control device comprising a housing (front panel 12); at least one control (knob 18) for manual manipulation by said user, wherein said control signals representing said manipulation are sent to said toy device to control said operation of said toy device; an actuator (actuator 70) coupled to said housing, said actuator outputting forces on said housing or said at least one control in response to received actuator signals; and a controller (microprocessor 202) electrically coupled to said actuator, said controller providing said actuator signals to said actuator and monitoring said control signals representing said manipulation of said at least one control, wherein said controller determines said actuator signals based at least in part

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on said manual manipulation of said at least one control by said user (col. 19, lines 50-67 through col. 20, lines 1-3) as recited in claim 1 and 14; said controller determines said actuator signals based only on said manual manipulation of said at least one control by said user required by claims 2 and 15; said force are output on said at least one control, wherein said at least one control includes a lever movable along an axis (slider knob 34) as recited in claims 4 and 17; said control signals sent to said toy device are transmitted wirelessly to said toy device (col. 4, lines 32-48) as claimed in claim 5; said control signals are transmitted as RF signals as required by claim 6; said controller determines said actuator signals also based on information received from said toy device as set forth in claim 7; information indicating an amount of acceleration experienced by the toy device in at least one dimension of the toy device (col. 4, lines 17-31) as recited in claim 10 and 20; said toy device is a toy car (col. 4, line 43) as required by claim 13; said controller determines said forces based on information received from said toy device as claimed in claim 18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 16, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al. in view of Ogata et al.

Levin et al. disclose most of the features of the invention except for the actuator moving an inertial mass (actuation means) to provide inertial haptic sensations on said housing, the inertial haptic sensations being felt by said user as claimed in claims 3, 16, and 21.

Ogata et al. teach a game machine control unit which operates using force feedback. More specifically, Ogata teaches a vibratory motor 24 with a rotating shaft 25 that moves an inertial mass 26.

It would have been obvious to one of ordinary skill in the art in view of Ogata et al. to provide the control device of Levin et al. with an actuator that moves an inertial mass for the purpose of providing an alternate actuator arrangement for producing haptic sensations.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al. in view of Marcus et al.

Levin et al. disclose most of the features of the invention except for a throttle control.

Orton et al. teach a remote controlled speed controller that includes a throttle control 25 that determines the speed of a model car.

It would of been obvious in view of Orton et al. to provide the device of Levin et al. with a throttle control for the purpose of controlling the movement of a toy vehicle.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al. in view of Ogata et al. as applied to claim 21 above, and further in view of Yavetz.

Levin et al., as modified by Ogata et al., lacks the toy device including information from contact sensor means on the toy device.

Yavetz discloses a remote controlled toy system that includes a controller (12); toy vehicle (16,18); the toy vehicles having contact sensors (sensor panel 116).and information from a contact sensor as a result of contact with another object (col. 7, lines 19-27).. The reference further discloses information relating to the degree of contact with another object (col. 14, lines 24-68 through col. 15, lines 1-27).

It would have been obvious in view of Yavetz to provide the device of Levin et al. with a toy device capable of collecting information from a contact sensor for the purpose of making the system more realistic.

Claims 8, 9, 12, 19, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al. in view of Yavetz.

Levin et al. disclose most of the features of the invention except for the information received from the toy device includes information from a contact sensor on the toy device (claim 24), the information indicating whether the toy device has contacted with another object at a location of the contact sensor as recited in claim 8; information relating to the degree of contact of the toy device with the other object as set forth in claim 9, said at least one control manipulated by said user includes a turning control that determines a direction of travel of said toy device as recited in claim 12; a toy device as set forth in claim 25; the toy device including a sensor as recited in claim 27, said sensor detects contact of said toy device with another object, wherein said information informs said remote control unit of said contact as recited in claim 28, and

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said sensor detects a degree of contact of said toy device with another object, wherein said information informs said remote control unit of said degree of contact as claimed in claim 29,

Yavetz discloses a remote controlled toy system that includes a controller (12); toy vehicle (16,18); the toy vehicles having contact sensors (sensor panel 116).and information from a contact sensor as a result of contact with another object (col. 7, lines 19-27).. The reference further discloses information relating to the degree of contact with another object (col. 14, lines 24-68 through col. 15, lines 1-27).

It would have been obvious in view of Yavetz to provide the device of Levin et al. with a toy device capable of collecting information from a contact sensor and the degree of the contact for the purpose of making the system more realistic.

Yavetz further discloses a turning control 38 as recited in claim 12.

It would have been obvious in view of Yavetz to provide the device of Levin et al. with a turning control for the purpose of controlling a model toy vehicle.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al. in view of Yavetz as applied to claim 27 above, and further in view of Helbing.

Levin et al., as modified by Yavetz, lacks the sensor being an accelerometer as recited in claim 30

Helbing teaches a device for influencing the driving performance of a remote controlled model vehicle. The reference shows a sensor16 being an acceleration sensor.



It would have been obvious in view of Helbing to provide the device of Levin et al. with an acceleration sensor for the purpose of making the device appear more realistic.

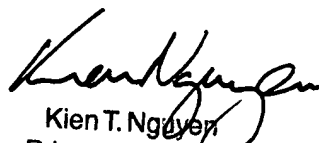
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 6:45AM - 3:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3712

  
Kien T. Nguyen  
Primary Examiner